



Comptroller General  
of the United States

Washington, D.C. 20548

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## Decision

**Matter of:** Harry T. Turman  
**File:** B-251716  
**Date:** February 10, 1993

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### DIGEST

A transferred employee's real estate expense claim was disallowed by his agency because he failed to file his claim within 3 years of the date he reported for duty. The time limit expressed in 41 C.F.R. § 302-6.1(e) (1992) and paragraph C14000-2 of 2 JTR, relates to the period within which real estate transactions must be completed after the effective date of the transfer. Since the employee bought and sold residences within 2 years after reporting for duty at his new official station and filed his claim for reimbursement timely thereafter, he may be reimbursed the expenses incurred as authorized by 41 C.F.R. § 302-6.2 (1992).

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### DECISION

Mr. Harry T. Turman appeals the disallowance of his claim for real estate expenses incurred incident to his permanent change of station in April 1989. We conclude that he is entitled to be reimbursed the expenses of selling a residence and the purchase of a residence.

Mr. Turman, an employee of the Department of the Air Force at Eglin Air Force Base who resided in Shalimar, Florida, was transferred to Wiesbaden, Germany, for a 36-month tour in June 1986. He did not sell his residence at that time since he anticipated that he would be returning to Eglin Air Force Base at the completion of that tour of duty. However, by travel authorization, dated April 12, 1989, he was transferred from Wiesbaden, Germany, to Langley Air Force Base, Virginia. While that authorization showed that he was entitled to subsistence expenses while occupying temporary quarters and a miscellaneous expense allowance, it did not include authorization for real estate expenses.

Following his arrival at Langley Air Force Base in April 1989, Mr. Turman completed the purchase of a residence in Hampton, Virginia, on July 28, 1989. On March 25, 1991, not quite 2 years after he reported for duty at Langley Air Force Base, he sold his former residence in Shalimar,

Florida. He was not aware when he purchased and sold these residences that he was entitled to any reimbursement for real estate expenses. He only learned of his entitlement in June 1992. On July 20, 1992, he filed the required DD Form 1705 real estate expense reimbursement application.

By letter dated November 17, 1992, the Langley AFB Civilian Personnel Officer informed Mr. Turman that, even though the overseas order issuing authority had erred in failing to authorize real estate expenses, his reimbursement claim could not be allowed because the governing regulations places a 3-year time limit on filing a claim for real estate expense reimbursement, and his statutory limitation could not be extended even where the employee was unaware of that time limit.

Under 5 U.S.C. § 5724(a) and § 5724a(a)(4), as amended by section 101(m) [Title VI, § 628(a)] of Pub. L. No. 100-202, Dec. 22, 1987, 101 Stat. 1329-430, and implementing regulations, an employee transferred from a duty station within the United States to a post of duty outside the United States, who is subsequently transferred back to an official station within the United States other than the immediately prior official station within the United States, may purchase a residence at the new official station in the United States and sell a residence at the last old official station in the United States.<sup>1</sup>

The regulations implementing these rights are those contained in section 302-6.1(g)(3) of the Federal Travel Regulation (FTR),<sup>2</sup> and by extension, paragraph C14000-3c of Volume 2, Joint Travel Regulations (2 JTR). In that context, section 302-6.1(e) of the FTR and paragraph C14000-2 of 2 JTR provide that the settlement dates for the purchase and sale of residences must be not later than 2 years (plus 1 year based on approval of a written request) after the date the employee reported for duty at his new permanent duty station.

In decision Thomas L. Chapman, B-230880, December 12, 1988, we held that, as specifically provided in the FTR,<sup>3</sup> for an employee to be reimbursed real estate expenses, the residence purchase or sale must occur not later than 3 years

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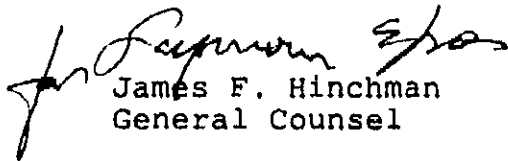
<sup>1</sup>This amendment became effective February 19, 1988. See section 101(m) [Title VI, § 628(a)(2)] of Pub. L. No. 100-202.

<sup>2</sup>41 C.F.R. § 302-6.1(g)(3) (1992).

<sup>3</sup>41 C.F.R. § 302-6.1(e) (1992).

after reporting for duty at his new official duty station.<sup>4</sup> The term "settlement" as used in the regulations and our cases refers to the event of purchase or sale where the price is paid to the seller and title to the property is conveyed to the purchaser.<sup>5</sup>

Mr. Turman reported for duty at Langley Air Force Base in April 1989. Since he went to settlement on both purchase and sales transactions within the initial 2-year time limit prescribed in section 302-6.1(e) of the FTR, and filed his reimbursement claim within 6 years thereafter, he may be reimbursed the expenses incurred in those transactions as authorized by section 302-6.2 of the FTR.

  
James F. Hinchman  
General Counsel

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<sup>4</sup>Gregory McGruder, B-227587, Sept. 3, 1987; Jerald W. Duxbury, B-219222, Dec. 30, 1985; and Gabriel C. Brazao, B-188670, Jan. 3, 1978. See also Donald R. Stacy, 67 Comp. Gen. 395 (1988) and Lucy S. Tyler, B-222371, Nov. 17, 1986.

<sup>5</sup>John E. Kerr, B-222130, Aug. 22, 1986, and decisions cited.